



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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OIL PIPELINE COMPANIES SUED FOR CONTINUING TO POLLUTE LAND NEAR QUALCOMM STADIUM

SAN DIEGO, CA--City Attorney Michael Aguirre today filed a lawsuit against some of the nation's largest energy pipeline transportation and storage companies for injunctive relief, damages and civil penalties resulting from extensive, continuing pollution near Qualcomm Stadium.

The defendants, including Kinder Morgan Energy Partners as well as several related companies and individuals, have discharged massive amounts of refined petroleum and related products into the soil and groundwater, have allowed the contamination to pollute sources of drinking water, and have inexcusably delayed taking effective actions when called upon to timely clean up their toxic releases.

"We are acting today on behalf of the City of San Diego, the Citizens of San Diego, and the People of the State of California to demand accountability for toxic discharges by companies that are making enormous profits by creating and maintaining these intolerable conditions," said City Attorney Michael Aguirre.

The defendants have committed both public and private nuisance, trespass, negligence, and violation of both the California Health & Safety Code and the California Business & Professions Code.

"Despite knowing about these conditions and the vital need to correct them, the defendants' efforts have been too little, too slow, too unproductive, too sporadic and otherwise too unavailing to be effective," said City Attorney Aguirre.

Executive Assistant City Attorney Don McGrath will be representing the City and the People in this lawsuit. He noted that this lawsuit addresses the crucial needs of making drinking water available and of battling polluters.

"The defendants' actions, and failures to act, have prevented substantial amounts of drinking water from being available and have also interfered with the use and development of the City's property in the Qualcomm Stadium area," said Don McGrath.

The complaint cites that, "the defendants . . . dumped hundreds of thousands of gallons of dangerous poisons and harmful chemicals into drinking water which otherwise would be available to serve the growing needs of San Diegans. Some of these chemicals are known to the State of California to cause
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cancer. Some are known reproductive toxicants which can cause birth defects or other developmental harm. Defendants have been dawdling . . . on a 'cleanup' which is comprised more of delay than progress. At the pace Defendants want to set for cleanup, it will still be many more years before anyone can safely use the water Defendants so brazenly ruined."

The law firm of Tatro Tekosky Sadwick LLP will serve as co-counsel to the San Diego City Attorney's Office. The firm has extensive experience litigating such cases. This case was previously presented last month to the City Council in closed session and at that time outside counsel was retained.

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